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January 19, 2016

Via ECF

Hon. J. Paul Oetkin
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Gregory Diaz v. City of New York*, 15-CV-2763 (JPO)(AJP)

Your Honor:

I represent plaintiff in this action. I write jointly with defense counsel to respectfully request a sixty (60) day extension of fact discovery, from February 16, 2016 until April 17, 2016. This extension is required, in large part, by the parties' inability to obtain the trial transcripts from the underlying case. This is the parties' first such request.

Plaintiff's appellant attorney has agreed to provide these transcripts free of charge.¹ However, due to a backlog in the production of state court transcripts, they have not yet been produced and may not be ready until mid-March. I have also been informed by the court reporter that transcripts typically take six months to get transcribed from the date the Appellate Division assigns counsel, which was August 11, 2015, in this case.

Paper discovery, for the most part, has been completed. In the event there is a dispute concerning paper discovery, the parties will notify Your Honor promptly. However, defendants, in particular, believe that the transcripts will facilitate efficient and effective discovery, especially as it pertains to conducting plaintiff's deposition.

We thank the Court for consideration of this request.

Sincerely,

/s

Robert Marinelli

¹ Plaintiff has been in regular contact with appellant counsel since October 27, 2015.